

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

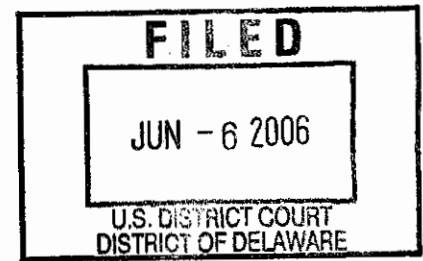
KENNETH M. SMITH  
Petitioner,

V.

THOMAS L. CARROLL, Warden  
and M. JANE BRADY, Attorney  
General of the State of  
Delaware,

Responders.

Civil Action No. 05-262-SLR



MOTION FOR EVIDENTIARY HEARING

COMES NOW the petitioner, Kenneth M. Smith, and respectfully moves the Honorable Court to grant an evidentiary hearing and appoint counsel in the above-captioned case. Petitioner believes that the record alone is insufficient to develop the facts and facts and to reach the legal conclusions necessary for the Court to rule on the pending petition.

Petitioner also believes that his testimony and the testimonies of defense, appellate and the State's counsel are critical to his case and would best serve the ends of justice. Petitioner is faced with the very real prospect of serving the rest of his natural life in prison, and it is apparent that the facts and the law are in such dispute that an evidentiary hearing is the best means to safeguard his liberty interests, aid the Court in preserving judicial integrity and its valuable resources.

Petitioner prays that this Honorable Court will appoint counsel and issue an ORDER granting an evidentiary hearing.

Respectfully Submitted,

*Kenneth Smith M*

Kenneth M. Smith

I, Kenneth M. Smith, Hereby certify under penalty of perjury that a true and accurate copy of this MOTION FOR EVIDENTIARY HEARING has been forwarded to opposing counsel, pursuant to Title 28 U.S.C. Section 1746.

Signed: *Kenneth Smith M*

Date: *5-30-06*

IM Kenneth Smith

SBI# 193906 UNIT W

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE



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